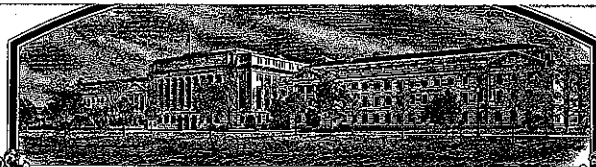


No.

200700130



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Sakata Seed Corporation

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ZINNIA

'Profusion Double Cherry'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this eleventh day of August, in the year two thousand and eight.

Attest:

[Signature]

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[Signature]

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

per Correspondence 6-27-08 LMC
7-2-08

1. NAME OF OWNER Sakata Seed Corporation		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME SAKZIN007		3. VARIETY NAME Profusion Double Cherry	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2-7-1 Nakamachidai, Tsuzuki-ku, Yokohama, 224-0041 Japan		5. TELEPHONE (include area code) +81(0)45-945-8800		FOR OFFICIAL USE ONLY PVPO NUMBER #200700130	
		6. FAX (include area code) +81(0)45-945-8841			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION JP		9. DATE OF INCORPORATION December 12, 1942	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Tom Day Corinne Marshall Sakata Seed America, Inc. 18095 Serene Dr. Morgan Hill, CA 95037				FILING AND EXAMINATION FEES: \$ 4382.00 DATE 2/13/07 CERTIFICATION FEE: \$ 768.00 DATE 2/28/08	
11. TELEPHONE (include area code) (408) 778-7758		12. FAX (include area code) (408) 779-1978		13. E-MAIL cmarshall@sakata.com	
14. CROP KIND (Common Name) Zinnia		16. FAMILY NAME (Botanical) Compositae (Asteraceae)		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Zinnia hybrida		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)					
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER Corinne Marshall		SIGNATURE OF OWNER			
NAME (Please print or type) Corinne Marshall		NAME (Please print or type)			
CAPACITY OR TITLE IPR Coordinator		DATE 2/8/07		CAPACITY OR TITLE DATE	

(See reverse for instructions and information collection burden statement)

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVPOmail@usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870.
<http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Date of first sale: USA, 4/26/06 Japan, 1/20/06 Europe, 1/4/06

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

Japan PBR: Application # 19081, Application date: 12/12/05 EU PBR: Applic # 2006/1440, 1/4/06

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Exhibit A**Breeding History of the Variety**

In 1986, 19 strains of diploid interspecific crosses between *Zinnia angustifolia* and *Zinnia elegans* were received in Misato, Japan from Dr. Dennis P. Stimart at the University of Maryland. The interspecific hybrids 822-133C and 8411-7C were intercrossed (female and male, respectively) to produce F₁ seed. In 1987, F₁ seed was sown and plants were selected and intercrossed to produce F₂ seed. From 1988 to 1996, single seed decent breeding was performed on selected plants and F₃ through F₁₀ generation seed was produced. This true breeding line is now the commercially available *Zinnia* hybrida 'Profusion Cherry' (PVP certificate number 9800014).

In 2001, a semi-double petaled mutation line was obtained from 'Profusion Cherry'. From 2001 to 2003, three generations of self-pollinated seed was produced from descendants of the mutation line. In 2003, the third generation of seed was sown in the greenhouse and the resulting plants observed in the field in Misato, Japan for trait stability. Line ZB-97 was observed to be uniform and stable and the new line was named 'Profusion Double Cherry'. The selection criteria used as the basis for selection of the new plant line was unique and attractive ray floret color.

Since the original breeding was performed, 'Profusion Double Cherry' has been sexually reproduced and judged stable for at least 5 generations. 'Profusion Double Cherry' is uniform for all traits as described in Exhibit C. 'Profusion Double Cherry' shows no variants other than what would normally be expected due to environment.

Exhibit B**Statement of Distinctness**

'Profusion Double Cherry', to the best of our knowledge, is most similar to the commercially available *Zinnia hybrida* variety 'Profusion Cherry'. 'Profusion Double Cherry' is distinct from 'Profusion Cherry' in the number of ray florets per inflorescence, 15 vs. 29 ray florets per inflorescence, respectively. Data presented below is from two trials conducted in Salinas, California. One trial was performed from May through July 2006 and the other trial was performed from July through September 2006.

Distinctness Data: Profusion Cherry vs. Profusion Double Cherry
Ray florets per inflorescence, Salinas, CA

Spring (May-July) 2006			Summer (July-September) 2006			Spring Trial		
Plant No.	Cherry	Dbl Cherry	Plant No.	Cherry	Dbl Cherry	t-Test: Paired Two Sample for Means		
1	16	25	1	14	20			
2	14	30	2	14	30			
3	12	31	3	19	29			
4	14	29	4	16	28			
5	17	25	5	15	20			
6	14	29	6	13	27			
7	14	23	7	12	20			
8	13	29	8	12	26			
9	15	45	9	14	30			
10	14	31	10	14	22			
11	18	16	11	13	32			
12	19	25	12	16	19			
13	14	25	13	19	21			
14	15	67	14	13	27			
15	19	29	15	20	39			
16	18	34	16	14	35			
17	18	41	17	15	31			
18	17	29	18	12	27			
19	15	23	19	14	35			
20	14	27	20	19	22			
21	13	27	21	13	61			
22	16	29	22	18	37			
23	14	22	23	18	28			
24	15	29	24	14	24			
25	14	24	25	15	29			
26	14	31	26	13	35			
27	13	29	27	17	44			
28	13	27	28	17	21			
28	13	31	28	18	38			
30	21	27	30	16	26			
Avg	15.20	29.63	Avg.	15.23	29.43			
St. Dev.	2.22	8.85	St. Dev.	2.37	8.78			

	Spring	Cherry	Dbl Cherry
Mean		15.2	29.6333333
Variance		4.924138	78.2402299
Observations		30	30
Pearson Correlation		0.026001	
Hypothesized Mean Diff.		0	
df		29	
t Stat		8.616081	
P(T<=t) one-tail		8.64E-10	
t Critical one-tail		1.699127	
P(T<=t) two-tail		1.73E-09	
t Critical two-tail		2.045231	

	Summer	Cherry	Dbl Cherry
Mean		15.23333	29.4333333
Variance		5.633333	77.1505747
Observations		30	30
Pearson Correlation		0.016485	
Hypothesized Mean Diff.		0	
df		29	
t Stat		8.583937	
P(T<=t) one-tail		9.35E-10	
t Critical one-tail		1.699127	
P(T<=t) two-tail		1.87E-09	
t Critical two-tail		2.045231	

Please see picture on Exhibit C-
Comments section # 14

per correspondence
06-30-08
LMC
07-01-08

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Zinnia (Zinnia spp.)

NAME OF APPLICANT (S) <u>Sakata Seed Corporation</u>	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME <u>Double Cherry Profusion</u>
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) <u>2-7-1 Nakamachidai, Tsuzuki-ku Yokohama, Japan 224-0041</u>		PVPO NUMBER <u>#200700130</u>

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

In the spaces on the left, enter the appropriate numbers that describe the characteristics of the application variety. On the right, enter the appropriate numbers that describe the characteristics of the most similar comparison variety. Right justify whole numbers by adding leading zeros if necessary. The variety that you choose for comparison should be the most similar one in terms of overall morphology, background and maturity. The comparison variety should be grown in field trials with the application variety for 2-3 location/years (environments) in the region and season of best adaptability. At least one year of trials should be conducted within the United States of America. In general, measurements of quantitative traits should be taken from one trial on 15-25 randomly selected plants or plant parts to obtain averages and statistics that describe a typical field of the variety. (Form technical content last updated August 1978.)

Application Variety Data	Comparison Variety Data
<p>1. SPECIES:</p> <p><u>4</u> Species: 1 = Z. elegans 2 = Z. linearis 3 = Z. hageana (angustifolia) 4 = Species Cross <u>Z. linearis Z. hybrida</u></p>	<p>Comparison Variety Name <u>Profusion</u> <u>4</u> Species <u>Cherry</u></p>
<p>2. PLOIDY</p> <p><u>1</u> Ploidy: 1 = Diploid (2n) 2 = Tetraploid (4n) 3 = Other (Specify) _____</p>	<p><u>1</u> Ploidy</p>
<p>3. FLOWER TYPE</p> <p><u>4</u> Type: 1 = Button (Cherry Buttons, Thumbelina) 2 = Pompon (Scarlet Gem, White Gem) 3 = Dahlia (Dream, Exquisite) 4 = Crested, Scabiosa (Wind Witch) 5 = Cactus (Blaze, Sunny Boy) 6 = Mexican (Old Mexico)</p>	<p><u>4</u> Type</p>
<p>4. PLANT</p> <p><u>60</u> Days from Emergence to First Flower</p> <p><u>2</u> Season: 1 = Short, Concentrated Flowering 2 = Long, Continuous Flowering</p> <p><u>10</u> No. of Primary Branches</p> <p><u>50</u> No. of Secondary Branches</p> <p><u>200</u> No. of Tertiary Branches</p> <p>Main Stalk:</p> <p><u>4</u> No. of Internodes on Main Stalk</p> <p><u>0</u> cm Length of Internodes Between First and Second Nodes</p> <p><u>10</u> mm Diameter Between First and Second Nodes</p>	<p><u>60</u> Days to First Flower</p> <p><u>2</u> Season</p> <p><u>10</u> No. of Primary Branches</p> <p><u>50</u> No. of Secondary Branches</p> <p><u>200</u> No. of Tertiary Branches</p> <p>Main Stalk:</p> <p><u>4</u> No. of Internodes on Main Stalk</p> <p><u>0</u> cm Length of Internodes</p> <p><u>10</u> mm Diameter</p>
Application Variety Data	Comparison Variety Data

Dbl Cherry

Application Variety Data	Comparison Variety Data
<p>4. PLANT, Main Stem:(cont.)</p> <p><u>1</u> Habit: 1 = Compact 2 = Spreading</p> <p><u>60</u> cm Wide</p> <p><u>45</u> cm High</p> <p><u>3</u> Pubescence: 1 = Glabrous 2 = Sparsely Pubescent 3 = Pubescent</p>	<p><u>1</u> Habit</p> <p><u>60</u> cm Wide</p> <p><u>35</u> cm High</p> <p><u>3</u> Pubescence</p>
<p>5. LEAF</p> <p><u>1</u> Leaf Shape: 1 = Lanceolate 2 = Ovate 3 = Elliptic</p> <p><u>40</u> mm Wide</p> <p><u>70</u> mm Long</p> <p><u>2</u> Dorsal Surface Pubescence: 1 = Glabrous 2 = Pubescent</p> <p><u>2</u> Ventral Surface Pubescence: 1 = Glabrous 2 = Pubescent</p>	<p><u>1</u> Leaf Shape</p> <p><u>35</u> mm Wide</p> <p><u>70</u> mm Long</p> <p><u>2</u> Dorsal Surface Pubescence</p> <p><u>2</u> Ventral Surface Pubescence</p>
<p>6. FLOWERS</p> <p><u>10</u> cm Length of Cut Flower (From head to first branch)</p> <p><u>150</u> Average No. Flowers per Plant</p> <p><u>6</u> cm Diameter of Head</p> <p><u>2</u> Stem Rigidity: 1 = Rigid 2 = Flexible</p> <p><u>2</u> Stem Brittleness: 1 = Brittle 2 = Wirey</p> <p><u>2</u> Doubleness: 1 = Single (one row of rays) 2 = Semi-single (several rows of rays) 3 = Semi-double (many rows of rays) 4 = Double (all rays)</p>	<p><u>9</u> cm Length of Cut Flower</p> <p><u>150</u> Average No. Flowers per Plant</p> <p><u>6</u> cm Diameter of Head</p> <p><u>2</u> Stem Rigidity</p> <p><u>2</u> Stems Brittleness</p> <p><u>1</u> Doubleness</p>
<p>7. RAY PETALS</p> <p><u>1</u> Shape 1 = Flat 2 = Twisted 3 = Curled 4 = Shaggy 5 = Quilled 6 = Combination or Other (Specify) _____</p> <p><u>2</u> Dorsal Surface Pubescence: 1 = Glabrous 2 = Pubescent</p> <p><u>2</u> Ventral Surface Pubescence: 1 = Glabrous 2 = Pubescent</p> <p><u>1</u> Dorsal Surface Luster: 1 = Dull 2 = Shiny</p> <p><u>1</u> Ventral Surface Luster: 1 = Dull 2 = Shiny</p> <p><u>2</u> Apices Shape: 1 = Acute 2 = Obtuse</p> <p><u>2</u> Apices Margin: 1 = Entire 2 = Notched 3 = Spined</p>	<p><u>1</u> Shape</p> <p><u>2</u> Dorsal Surface Pubescence</p> <p><u>2</u> Ventral Surface Pubescence</p> <p><u>1</u> Dorsal Surface Luster</p> <p><u>1</u> Ventral Surface Luster</p> <p><u>2</u> Apices Shape</p> <p><u>2</u> Apices Margin</p>
Application Variety Data	Comparison Variety Data

Dbl Cherry

Application Variety Data

Comparison Variety Data

8. COLOR OF RAYS: Select from colors below. Consider only the predominant colors. Select two color codes when necessary, i.e. Whitish-Orange) 01 06
(See References below.)

01 = White 02 = Cream 03 = Pink 04 = Rose 05 = Red 06 = Orange 07 = Gold 08 = Bronze
09 = Yellow 10 = Green 11 = Lavender 12 = Scarlet 13 = Salmon 14 = Other (Specify) purple

Color Chart Name Royal Hort. Society

_____ Monocolor Color Chart Value _____

Patterns for Bicolor or Multicolor:

_____ Apex Half Dorsal Side Color Chart Value _____
10 Apex Half Ventral Side Color Chart Value 145C
 _____ Base Half Dorsal Side Color Chart Value _____
10 Base Half Ventral Side Color Chart Value 145D
04 Background Dorsal Side Color Chart Value N57A
14 Background Ventral Side Color Chart Value 63D
 _____ Streaks Dorsal Side Color Chart Value _____
 _____ Streaks Ventral Side Color Chart Value _____
 _____ Stripes Dorsal Side Color Chart Value _____
 _____ Stripes Ventral Side Color Chart Value _____
 _____ Spots Dorsal Side Color Chart Value _____
 _____ Spots Ventral Side Color Chart Value _____
 _____ Blotches Dorsal Side Color Chart Value _____
 _____ Blotches Ventral Side Color Chart Value _____
 _____ Other Dorsal Side Color Chart Value _____
 Describe _____
14 Other Ventral Side Color Chart Value 63B
 Describe veins

Color Location Color Chart Value

_____ Monocolor _____

Patterns for Bicolor or Multicolor:

_____ Apex Half Dorsal Side _____
10 Apex Half Ventral Side 145C
 _____ Base Half Dorsal Side _____
10 Base Half Ventral Side 145D
04 Background Dorsal Side N57A
14 Background Ventral Side 63B
 _____ Streaks Dorsal Side _____
 _____ Streaks Ventral Side _____
 _____ Stripes Dorsal Side _____
 _____ Stripes Ventral Side _____
 _____ Spots Dorsal Side _____
 _____ Spots Ventral Side _____
 _____ Blotches Dorsal Side _____
 _____ Blotches Ventral Side _____
 _____ Other Dorsal Side _____
 Describe _____
10 Other Ventral Side 145C
 Describe veins

9. DISK FLORETS

3 Presence: 1 = Absent 2 = Present, Covered 3 = Present, Conspicuous

2 Type: 1 = Not Quilled 2 = Quilled

07 Color (Choose from Colors in No. 8 Above)

Color Chart Name RHS Color Chart Code 12B

3 Presence

2 Type

7 Color

Color Chart Code 12B

10. ANTHOCYANIN (1 = Absent, 2 = Present)

1 Seedlings

2 Stems

2 Leaves

1 Flowers

1 Seedlings

2 Stems

2 Leaves

1 Flowers

Dbl Cherry

Application Variety Data

11. SEEDS:

4 Yield: 1 = None 2 = Poor 3 = Fair 4 = Good5 mm Long3 mm Wide4 Color: 1 = Tan 2 = Light Brown 3 = Dark Brown 4 = GreyColor Chart Name RHS Color Chart Code 202A235 mg Per 100 Seeds

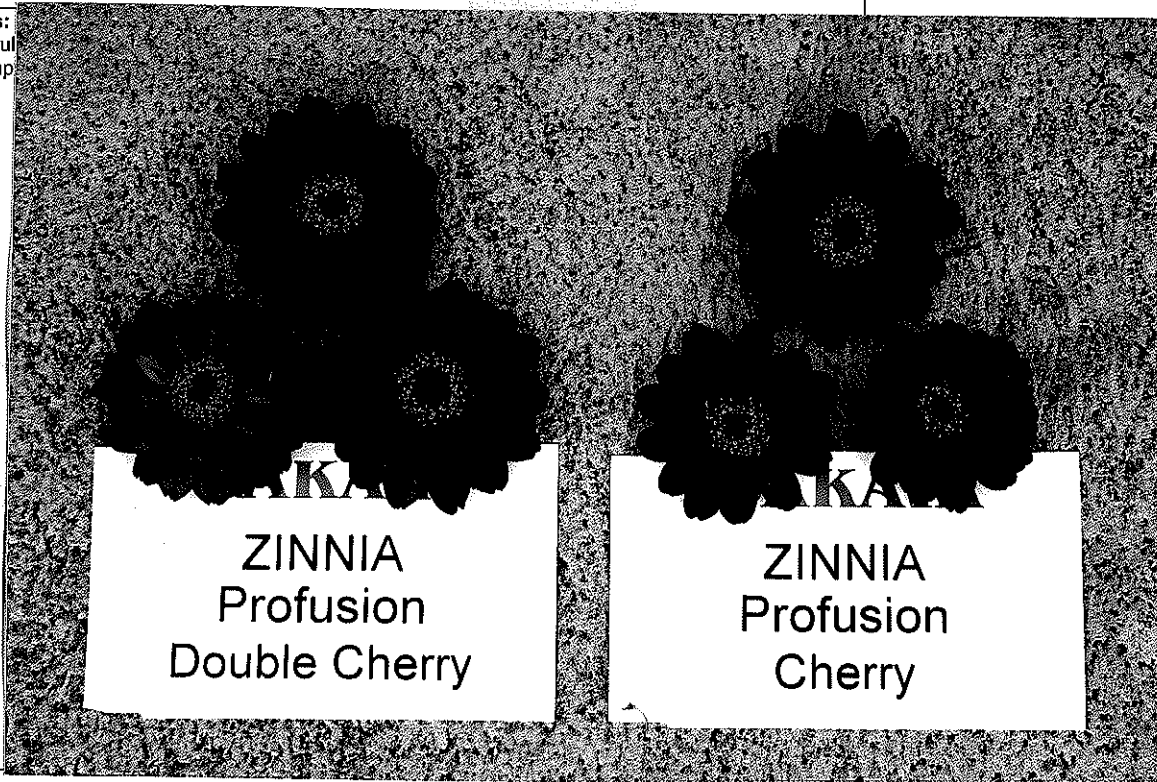
Comparison Variety Data

4 Yield5 mm Long3 mm Wide4 ColorColor Chart Code 202A235 mg Per 100 Seeds

DRIED RECEPTICLE (After Seed Removal):

4 Shape: 1 = Flat 2 = Dome 3 = Globe 4 = Cone1.5 cm Length0.5 cm Diameter at Base4 Shape1.5 cm Length0.5 cm Diameter at Base

13. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

1 Powdery Mildew0 Mosaic0 Fusarium Wilt0 Alternaria Leaf Spot1 Powdery Mildew0 Mosaic0 Fusarium Wilt0 Alternaria Leaf Spot14. Comments:
photograph should
support of this apeach variety. This
onal photographs in

REFERENCES:

Bodger Seed Company, LTD. *The Zinnia and Its Uses*. Bul. No 1, 19 pp. 1935.Honeywell, E. R., 1970. *The Zinnia*. Purdue University Ext Service HO-104.Metcalf, H. N. and J. N. Sharma. *Germplasm Resources of the Genus Zinnia* L. Econ. Bot. 25:169-181. 1971.Weddle, Charles. *The Elegant Zinnia*. Nat. Hort. Mag. 24(2): 83-91. 1945.

COLOR: Munsell Book of Color, Royal Horticultural Society Colour Chart, Nickerson's or any recognized color fan may be used to determine the color of the variety.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) <i>Sakata Seed Corporation</i>	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME <i>Profusion Double Cherry</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) <i>2-7-1 Nakamachidai Tsuuzuki-ku, Yokohama, 224-0041 Japan</i>	5. TELEPHONE (Include area code) <i>+81-0-45-945-8800</i>	6. FAX (Include area code) <i>+81-0-45-945-8841</i>
7. PVPO NUMBER <i>#200700130</i>		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☐ YES ☒ NO

Japan

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

'Profusion Double Cherry' was developed by a breeder under employment of Sakata Seed Corporation.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) Sakata Seed Corporation	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2-7-1 Nakamachidai, Tsuzuki-ku, Yokohama, 224-0041 Japan	TEMPORARY OR EXPERIMENTAL DESIGNATION
NAME OF OWNER REPRESENTATIVE (S) Sakata Seed America, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 18095 Serene Dr. Morgan Hill, CA 95037	VARIETY NAME Profusion Double Cherry
		FOR OFFICIAL USE ONLY
		PVPO NUMBER #200700130

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Corinne Marshall

Signature

2/8/07

Date